

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VOLTERRA SEMICONDUCTOR
LLC,

Plaintiff,

v.

MONOLITHIC POWER SYSTEMS,
INC.,

Defendant.

PUBLIC VERSION

C.A. No. 19-2240-CFC-SRF



**PLAINTIFF'S CONCISE STATEMENT OF FACTS IN OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (NO. 2)
OF NO INDUCED OR WILLFUL INFRINGEMENT**

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Dated: December 17, 2021

*Counsel for Plaintiff Volterra
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I. Volterra's Response to MPS's Statement of Facts

1. Admitted.¹ *But see* ¶¶41 below.
2. Disputed based on ¶¶21, 23, 26-28, 30, 32-39 below.
3. Disputed based on MPS's characterization of Volterra's Second Amended Complaint. *See* D.I. 71, ¶¶45, 63.
4. Admitted; however, depositions occurred by agreement after this date.
5. Disputed based on ¶¶23, 29-30 below.
6. Admitted.
7. Disputed based on ¶¶23, 29-30 below.
8. Disputed based on ¶¶10, 39.
9. Disputed based on ¶10.
10. Disputed based on ¶39.
11. Disputed as to the characterization as hearsay.
12. Disputed based on ¶¶ 36-38 below.
13. Disputed based on ¶¶ 36-38 below.
14. Disputed based on ¶¶ 36-38 below.
15. Disputed based on ¶21 below.

¹ While Volterra admits certain paragraphs of MPS's SOF (D.I. 275), Volterra disputes that those facts support summary judgment because the other facts detailed in this statement demonstrate a genuine dispute of material fact to be litigated and show facts from which a jury could find in Volterra's favor.

16. Disputed based on ¶¶21-23 below.
17. Admitted.
18. Admitted.
19. Disputed based on ¶¶21, 23, 26-30, 32-39 below.
20. Admitted.

II. Volterra's Responsive Statement of Facts

21. On April 22, 2005, Dr. Jinghai Zhou submitted his PhD dissertation titled "High Frequency, High Current Density Voltage Regulators," which cited to the '986 Patent and included a figure copied directly from a paper authored by the inventors of the '408 and '955 Patents and taken from the pending patent parent application that produced the '955 and '408 Patents. Ex. 4 at MAXIM_00011320, 466-68, 507-516; Ex. 5 at MAXIM_00013238, 242.

22. Dr. Zhou's dissertation required four years of reading papers and their cited references, and Dr. Zhou expected his younger self to have investigated the origins of the figures cited in his dissertation because the citations were important. Ex. 6 at 117:21-127:2.

23. After Dr. Zhou published his dissertation, he discussed Volterra's patents with third parties [REDACTED]—specifically in connection with MPS's work on the Accused Products. *Id.* at 91:21-92:13, 115:6-116:25.

24. Dr. Zhou is currently the Vice President of Cloud Computing at MPS and previously held the positions of Senior Director of Cloud Solutions (2019-21) and Director of Cloud Solutions (2015-19). *Id.* at 44:18-45:4, 85:4-7.

25. Dr. Zhou was responsible for developing MPS's [REDACTED] controller, which was included in the Nvidia Accused Product. *Id.* at 49:10-50:10, 51:18-24.

26. Former MPS employee Rohan Samsi became aware of Volterra's coupled inductor patents from reading articles and having discussions with customers. Ex. 7 at 60:17-64:15, 80:9-81:2. Mr. Samsi testified that "[t]here were requests from multiple people . . . [saying] coupled inductors, you know that there are patents from Volterra." *Id.* at 116:22-117:6. These concerns came through salespeople when MPS was "proposing some coupled inductor solutions." *Id.* at 118:24-120:8. "[B]ased on [Mr. Samsi's] understanding, Volterra's patents cover a certain subset of coupled inductors and their use, and not just coupled inductors at large." *Id.* at 121:2-8.

27. In March 2018, MPS reached out to [REDACTED] "looking for [a] coupled inductor" for the Accused Products, and [REDACTED] responded that [REDACTED]

[REDACTED]

[REDACTED] Ex. 8 at DAL0000001-004.

28. Afterwards, as MPS's experts explained, "MPS employees discussed the subject of Volterra's patents on June 27, 2018, in a face-to-face meeting with

employees of [REDACTED]” Ex. 9 at ¶ 58 (citing Lee Tr. at 163:10-23); *see also* Ex. 10 at ¶ 73 (“[REDACTED] had a face-to-face meeting on June 27, 2018 with MPS employees where the subject of Volterra’s patents was discussed”) (citing DAL0000081).

29. On December 11, 2018, [REDACTED] responded to MPS’s coupled inductor request by telling MPS that “[t]o be able to proceed with this project [it] need[ed] [MPS’s] interpretation” of the ’986 patent. Ex. 11 at MPS_DE-00010094; Ex. 12 at MPS_DE-00010059.

30. In a subsequent meeting with MPS, [REDACTED] “mentioned that there were some coupled inductor patents.” Ex. 7 at 115:19-116:5. Mr. Samsi was not surprised by this because “every time the word ‘coupled inductor,’ . . . [came up] in the past 10-plus years, it’s been coupled inductor and then the next is, oh, Volterra’s got some patents on coupled inductors.” *Id.* at 116:6-12.

31. [REDACTED] Ex. 13 at 48:7-25.

32. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

33. In response to [REDACTED] email, Dr. Zhou asked MPS's in-house counsel, Roland Tso, to investigate the '986 patent, [REDACTED] Ex. 13 at 51:16-52:22; 70:12-20; 163:10-25. Mr. Tso "looked at the cited references" and used Google to conduct "an online search, searching for relevant keywords," including "coupled inductors." *Id.* at 51:23-52:22; 54:12-55:5; 55:25-56:21.

34. Mr. Tso "surveyed a bunch" of Volterra's patents and concluded that "MPS had no concerns with any of Volterra's coupled inductor patents." Ex. 7 at 137:24-138:22.

35. The "Cited By" section of the Google Patents page for the '986 Patent lists other Volterra coupled inductor patents, including the parent of the '408 and '955 Patents. Ex. 14.

Cited By (210)				
Publication number	Priority date	Publication date	Assignee	Title
US7352269B2	2002-12-13	2008-04-01	Volterra Semiconductor Corporation	Method for making magnetic components with N-phase coupling, and related inductor structures

36. During the design of the Nvidia Accused Product, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. 15 at 90:24-91:16; 93:16-22.

37. [REDACTED]

[REDACTED] *Id.* at 68:22-70:23; Ex. 16 at 20:15-21:12, 22:24-26:4; Ex. 17.

38. On December 12, 2018, Dr. Abou-Alfotouh told MPS that he was [REDACTED] about [REDACTED] Ex. 18 at NVIDIA_0001652; Ex. 7 at 140:11-19.

39. In June 2019, [REDACTED] raised concerns about Volterra's coupled inductor patents, and MPS responded that the use of coupled inductors was "only patented for certain characteristics, and some patent is expiring." Exs. 19-20.

40. The '986 Patent expired on March 22, 2021, the '955 Patent expires on December 13, 2022, and the '408 Patent expires on April 22, 2023. Exs. 21, 28, 30.

41. The '986 Patent is titled "Voltage converter with coupled inductive windings, as associated methods" and shares an inventor with and is incorporated into the '408 and '955 Patents, which claim coupled inductors. Ex. 21 at Cover; Ex. 28 at Cover, 2:4-10, Cls. 1-20; Ex. 30 at Cover, 2:4-10, Cls. 1-29.

42. The parent application for the '408 and '955 Patents was published on June 17, 2004. Ex. 22 at Cover.

43. After Volterra filed suit, MPS updated its [REDACTED]

[REDACTED]

[REDACTED]

Exs. 31-35.

Dated: December 17, 2021

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CERTIFICATE OF COMPLIANCE

The undersigned counsel hereby certifies that **Volterra's Concise Statement of Facts In Opposition to Monolithic Power Systems, Inc.'s Motion For Summary Judgment (No. 2) of No Induced or Willful Infringement for the '408 and '955 Patents** contains 1,178 words (exclusive of the title, caption, tables, and signature block) prepared in Times New Roman 14-point font.

Dated: December 17, 2021

/s/ Robert M. Oakes
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